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1 Declaration Under 37 CFR 1.132 Declaration by Eddie E. Scott Disclosed but not Claimed Invention Derived from Inventors
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P.O. Box 1450
Alexandria, VA 22313-1450

on September 1, 2005

Kathy Raymond
Kathy Raymond

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Peter Krulevitch, et al.	Docket No. :	IL-10581
Serial No. :	09/851,231	Art Unit :	1772
Filed :	05/07/2001	Examiner :	Catherine A. Simone
For :	METHOD FOR PRODUCING MICROCHANNELS HAVING CIRCULAR CROSS-SECTIONS IN A GLASS		

DECLARATION UNDER 37 CFR § 1.132

Declaration by Eddie E. Scott

Disclosed but not Claimed Invention Derived from Inventors

Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

Dear Sir:

- (1). I am a citizen of the United States and a resident of Danville, California.
- (2). I am the attorney representing the inventors Peter Krulevitch, Julie Hamilton, and Harold Ackler (The Inventors), in the subject patent application.

(3). I am employed by the University of California at the Lawrence Livermore National Laboratory as Assistant Laboratory Counsel and have been employed by the University of California at the Lawrence Livermore National Laboratory from May 1, 1999 to the present.

(4). I am empowered to act on behalf of the owner of the subject application, The Regents of the University of California.

(5). In the Office Action mailed June 7, 2005, claims 11 and 13-15 were rejected under 35 U.S.C. 102(e) as being anticipated by the Krulevitch et al reference (US Patent No. 6,437,551).

(6). In the Krulevitch et al reference the Inventors Peter Krulevitch, Julie Hamilton, and Harold Ackler of the subject patent application are named as inventors along with seven other inventors.

(7). In the Krulevitch et al reference an invention (The Disclosed Not Claimed Invention) was disclosed but not claimed and is described as follows:

"Recent efforts have been directed to forming smooth surface microchannels to prevent channel cross-sections having sharp corners to prevent trapping of particles in those sharp corners. These efforts are directed to forming microchannels with circular cross-sections. One approach involves isotopically etching a channel into a glass substrate, fusion bonding a glass substrate over the formed channel, and annealing the glass which transforms the channel cross-section to a circle. Another approach involves etching a channel into a glass substrate, forming a layer of silicon on the channel surface, forming a layer of wax on the silicon layer, bonding a second plate over the wax, annealing whereby a circular channel is formed, and thereafter removing the wax." (Col. 6, lines 37-47 of the Krulevitch et al reference)

(8). The Disclosed Not Claimed Invention in the Krulevitch et al reference was derived from the Inventors Peter Krulevitch, Julie Hamilton, and Harold Ackler of this application and is thus not the invention "by another."

(9). The Disclosed Not Claimed Invention in the Krulevitch et al reference was the subject matter of a RECORD OF INVENTION document that was signed by The Inventors Peter Krulevitch, Julie Hamilton, and Harold Ackler before the November 1, 2000 filing date of the Krulevitch et al reference.

(10). The Inventors Peter Krulevitch, Julie Hamilton, and Harold Ackler are the inventors of the invention defined by Applicants' claims 11 and 13-15 of the subject application and the seven other inventors listed in the Krulevitch et al reference are not the inventors of the invention defined by Applicants' claims 11 and 13-15 of the subject application.

(11). I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

September 1, 2005 Eddie E. Scott Declarant: Eddie E. Scott